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DATE: August 15, 2005

TO: Examiner Alvin Stewart   FAX #:   571-273-8300
             Group Art Unit 3738

PHONE #:   571-272-4760

Application No.:   10/702,096   OUR REF.: 3110.03US02
Applicant: Kuslich
Due Date: August 15, 2005

FROM: Wendy J. Cusick
PHONE #:   612- 349-3019

Attached please find the following for filing in the above-identified application.

(1)   Response to the Restriction Requirement dated July 14, 2005.
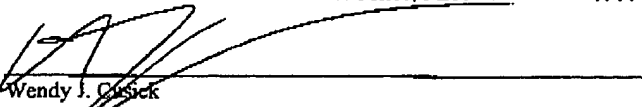
Respectfully submitted,

Wendy J. Cusick
Registration No. 52,788

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

August 15, 2005
Date

Wendy J. Cusick

FACSIMILE SENT BY:

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Attorney Docket No.: 3110.03US02

      Kuslich   Confirmation No.: 6813

Application No.:   10/702,096   Examiner: Alvin Stewart

Filed: November 5, 2003   Group Art Unit: 3738

For: SEMI-BIOLOGICAL INTERVERTEBRAL DISC REPLACEMENT SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 14, 2005, Applicant, through his attorney, elects Group II consisting of claims 1-8 and 16-33. Applicant requests claims 9-15 and 34-52 be withdrawn without prejudice or disclaimer.

The present amendment comprises the following sections:

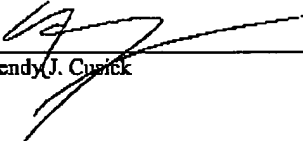A. Amendments to the Claims

B. Remarks

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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_____8-15-05_____

Date

_____
Wendy J. Cusick